REMARKS

The Office Action of August 25, 2008, has been carefully reviewed, and in view of the above amendments and the following remarks, reconsideration and allowance of the pending claims are respectfully requested.

In the above Office Action, claims 1-4 and 7-14 were rejected under 35 U.S.C. § 102(b) as being anticipated by Chandrasekaran (U.S. Patent No. 6,093,157).

The primary reference upon which the Examiner relies, Chandrasekaran, discloses a guide wire 22 including "generally a shaft 34 and a radiopaque layer 32." The Examiner alleges that shaft 34 corresponds to the claimed center layer formed of a first material, as recited in claim 1. Shaft 34 is formed of stainless steel such as high strength Hyten 304V stainless steel. Shaft 34 can also be formed of superelastic materials such as Nitinol or cobalt base alloys such as Elgiloy." Col. 3, line 66 - Col. 4, line 5. Hence, under the Examiner's interpretation, the first material is stainless steel, Nitinol or Elgiloy.

With respect to the surface layer recited in claim 1, the Examiner appears to rely on layers 49 or 64 of Chandrasekaran. "Layer" 49 as alleged by the Examiner is the outermost surface of the radiopaque layer 32. Radiopaque layer 32 is formed of gold, a gold alloy, or platinum. Col. 4, lines 17-23. Hence, under this interpretation, the second material, as recited in claim 1, would be gold, a gold alloy, or platinum. The Examiner alleges that there is an intermediate layer (48) formed of a mixture of the first and second materials, i.e, stainless steel/Nitinol and gold. Applicants disagree. With respect to this embodiment, the center layer is stainless steel and the surface layer is a radiopaque material. Despite the varying (gold) alloy composition

and hardness of layer 48, there is absolutely no suggestion that it obtains its variation due to the inclusion of stainless steel, i.e, the "first material" as recited in claim 1.

With respect to the further embodiments of Chandrasekaran having an outer stainless steel tube 64 which the Examiner alleges to be the recited surface layer, and hence the "second material", there is no disclosure that the intermediate layers between the shaft 78 (assumed to be made of the same material as shaft 34) and the stainless steel tube 64 include a mixture of the first material, i.e., stainless steel, and the second material, i.e., also stainless steel.

Accordingly, Applicants reiterate their traversal of the pending rejections. The Examiner's interpretation of Chandrasekaran fails to disclose "an intermediate layer formed of a mixture of said first material and said second material," as recited in independent claim 1, and most certainly does not disclose where "the mixture of said first material and said second material in said intermediate layer has a decreased proportion of said first material toward said surface layer and an increased proportion of said second material toward said surface layer."

Independent claims 8 and 9 recite layers comprising similar mixtures of the first and second materials which are not disclosed in the cited prior art. The remaining claims depend from claims 1, 8 or 9 and patentable based at least upon their dependence therefrom.

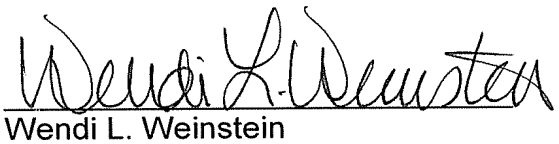
CONCLUSION

In view of the above amendments and remarks, Applicants respectfully submit that the claims of the present application are now in condition for allowance, and an early indication of the same is earnestly solicited.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference would be helpful in resolving any remaining issues pertaining to this application; the Examiner is kindly invited to call the undersigned counsel for Applicants regarding the same.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: December 29, 2008 By: 

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